

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY
as Administrator for RELIANCE INSURANCE
COMPANY,

Plaintiff,

-against-

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.
----- X

: 07 Civ. 6915 (DLC)

:
: **NOTICE OF MOTION TO**
: **DISMISS PURSUANT TO**
: **FRCP RULE 12(b)(6)**

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Peter Catalano, dated September 27, 2007, and the exhibits annexed thereto, and the accompanying Memorandum of Law, and upon all prior pleadings, papers and proceedings heretofore had herein, defendant Kohn Pedersen Fox Associates, P.C. ("KPF") will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, for an Order (i) dismissing the Complaint of the above-named plaintiff as against KPF pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and (ii) awarding costs and such other and further relief as to this Court shall seem just and proper.

Dated: New York, New York
October 1, 2007

ZETLIN & DE CHIARA LLP

Attorneys for Defendant

Kohn Pedersen Fox Associates, P.C.

/s/ David Abramovitz, Esq.

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